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#### STATEMENT OF PAIGE COMSTOCK CUNNINGHAM

Ms. CUNNINGHAM. Thank you, Mr. Chairman.

Mr. Chairman and members of the Judiciary Committee, I thank you for this opportunity to testify on the nomination of Ruth Bader Ginsburg to the U.S. Supreme Court.

I am an attorney, a graduate of Northwestern University School of Law. I am a wife and I am a proud mother of three children. I think all those things bear on the testimony that I am giving today, because it is likely that I have reaped in my own career from the seeds that were sown by Judge Ginsburg in her efforts to abolish sex discrimination.

As you mentioned, I am also the president of Americans United for Life, which is the legal arm for the pro-life movement, and we are the oldest national pro-life organization in this country. We are nonpartisan and we are secular, and we are committed to the protection of the vulnerable and the innocent human life from conception to natural death.

Although Judge Ginsburg may possess the credentials to sit on the Supreme Court, we are concerned about the process by which she was nominated and her views on abortion, and appreciate this opportunity to fully educate the Nation, and that is what I appreciate about this process of a thorough look and an opportunity to speak.

I am troubled because, in the first time in our history, a Supreme Court nominee has been required to pass a test, an abortion litmus test. President Clinton made this very clear before he nominated Judge Ginsburg to the High Court. This is a litmus test which prior nominees were wrongly accused of passing, and why one of them was defeated.

I think it is a tragedy that supporting an act which ends the life of one being and scars the future of another should be considered the supreme test for the Supreme Court. And just as disturbing as this unprecedented litmus test is Judge Ginsburg's attempt to justify the decision in *Roe v. Wade* on the ground that abortion is somehow necessary for women's equality, that women cannot be equal in the law or in society, without abortion, through all 9 months of pregnancy for any reason.

Outside of abortion, *Roe v. Wade* has done absolutely nothing to advance women's rights. State and Federal courts have handed down dozens of decisions striking down various forms of sex discrimination, and few, if any, of these courts, including the Supreme Court, have relied on or even mentioned *Roe*.

The real advances in women's rights have come not through the court cases, but through laws enacted by Congress and by State

legislatures. These are the laws that have banned sex discrimination in public and private employment, in the sale and rental of housing, in education, laws that mandate equal pay for equal work, to name just a few. Do you know what? Not one of those laws depends on abortion.

Judge Ginsburg has repeatedly stated that abortion is protected by the equal protection clause of the Constitution or that that ought to have been the basis, rather than the due process clause. But she has gone farther than the Court and suggested in her writings that there ought to be a public policy supporting taxpayer funded abortions.

Her writings also reveal that she would oppose laws protecting women in crisis pregnancies, laws upheld by the Supreme Court just a few months ago, last year, laws such as a woman's right to know, a 24-hour reflection period to think about information about a decision that she cannot change and that she will live with for the rest of her life, laws involving parents. These laws received overwhelming public support. After all, they are reasonable laws.

Judge Ginsburg has testified before you that abortion is central to a woman's dignity. But what is this legacy of *Roe*? Has a generation of abortion on demand solved any of the problems for which it was offered? Has abortion reduced the rates of child abuse or illegitimacy or teen pregnancy or the feminization of poverty? Has it enhanced respect for women? After 20 years of abortion on demand, abortion has flunked the test as the miracle cure for the social problems it promised to solve.

The only obvious benefit of legalized abortion is the economic one. A \$300 abortion is much cheaper than a \$3,000 delivery of a baby. But what about the cost to women's bodies and women's lives? Thousands of women now bear the scars of perforated uteruses, lost fertility and higher breast cancer risks. Close to 70 percent of all relationships end in the first year after an abortion. Many women are abandoned by the baby's father as soon as the crisis of pregnancy is solved by abortion.

Some women say they can't even pass a playground or turn on a vacuum cleaner, because it sounds like a suction machine. All too often, they fall into a pattern of self-abuse, that abuse which mirrors their abuse by others. The destruction and tragedy caused by 28 million abortions is a gaping national wound, a wound whose ugliness is covered up by polite tolerance and rhetoric about a woman's right to choose and keeping government out of private choices.

And make no mistake about it, coercion to have abortions is real. The coercion may be possible precisely because abortion is legal. That is the unspoken price for progress in our careers. Female medical residents, in an article in the *New England Journal of Medicine*, reported that tragedy. We attorneys have discovered that same price. And why not? Because if a woman demands that complete autonomy in her abortion decision, it only seems fair that she bear complete responsibility for the consequences of that, and women once again are left alone to pay the price.

Our radical abortion policy, which Judge Ginsburg apparently supports wholeheartedly, would not expand or advance women's issues. I believe it has actually set the clock back on women's dig-

nity, including the dignity of motherhood. Children should be a shared responsibility. Our educational goals and professional dreams should not depend on an elective surgery that creates second-class citizens out of the voiceless.

Abortion goes against the core values of feminism, equality, care, nurturing, compassion and nonviolence. If we women, who have so recently gained electoral and political voice, do not stand up for the voiceless and the politically powerless, who will? Those who promote abortion rights do not represent the women of America. The 1.8 million members of the National Women's Coalition for Life prove that you can be pro-woman and pro-life. Our feminist pioneers, including Susan B. Anthony and Elizabeth Cady Stanton, cited with approval by Judge Ginsburg, were strongly against abortion and recognized it as child murder and a crying evil.

Judge Ginsburg wrote that the greatest judges "have been independent thinking individuals, with open, but not empty minds, individuals willing to listen and to learn." Unless there is convincing evidence that Judge Ginsburg is willing to reexamine her premises about abortion, which she has so recently stated, then we cannot withdraw our objection to her confirmation.

We ask the committee to seriously consider this statement and our more extensive written testimony. The future of women, men and generations of many yet unborn depend on it.

Thank you.

[The prepared statement of Ms. Cunningham follows:]